

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECILIA CHAVEZ, et al.,

Plaintiffs,

v.

CITY OF PORTERVILLE, et al.,

Defendants.

No. 1:22-cv-00794-ADA-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS GRANTING
ADMINISTRATIVE MOTION FOR
APPROVAL OF SETTLEMENT AND
COMPROMISE OF MINOR PLAINTIFFS'
CLAIMS

(ECF Nos. 30, 37, 38)

Plaintiff Cecilia Chavez ("Chavez") initiated this civil rights action on June 27, 2022, against Defendants City of Porterville, Officer Martinez, and Officer Lara. (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 2, 2022, Chavez filed a first amended complaint identifying her children, E.P., N.C., A.H., and M.M., as Plaintiffs in this action ("Minor Plaintiffs") and naming several other defendants. (ECF No. 19.) On November 8, 2022, the Court appointed Chavez as guardian *ad litem* for Minor Plaintiffs. (ECF No. 25.)

On April 20, 2023, Minor Plaintiffs, by and through their guardian *ad litem*, Chavez (collectively, "Plaintiffs"), filed an unopposed Administrative Motion for Approval of Settlement and Compromise of Minor Plaintiffs' Claims (the "Motion"). (ECF Nos. 30, 34.) Because the

1 Motion did not contain sufficient information for the Court to determine whether the proposed
2 compromise was fair and reasonable, on May 10, 2023, the assigned Magistrate Judge ordered
3 Plaintiffs to submit additional briefing in support of their application. (ECF No. 35.) On May 24,
4 2023, Plaintiffs filed a supplemental brief. (ECF No. 37.)

5 On June 14, 2023, the assigned Magistrate Judge issued findings and recommendations,
6 recommending that the Motion be granted, and the proposed settlement be approved as fair and
7 reasonable. (ECF No. 38.) The findings and recommendations were served on all parties and
8 contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.*
9 at 8.) No objections have been filed, and the time in which to do so has passed.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c), this Court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
12 findings and recommendations are supported by the record and proper analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on June 14, 2023, (ECF No. 38), are
15 ADOPTED IN FULL;
- 16 2. Plaintiffs' motion for Approval of Settlement and Compromise of Minor Plaintiffs,
17 (ECF No. 30), is GRANTED;
- 18 3. The proposed settlement between Minor Plaintiffs and Defendants apportioning
19 \$200,000 of the \$900,000 total settlement fund to Minor Plaintiffs is GRANTED as
20 fair and reasonable;
- 21 4. The proposal that attorney's fees in the sum of \$50,000 (25%) to be deducted from
22 Minor Plaintiffs' settlement fund is GRANTED; and

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1 5. Minor Plaintiffs' net recovery after deduction of attorney's fees is \$150,000, and the
2 settlement award for each child SHALL be deposited into a blocked account for
3 which Chavez will serve as trustee, with the restriction that no sum can be
4 withdrawn without court order until the child becomes eighteen years old.

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7 IT IS SO ORDERED.

8 Dated: August 24, 2023


UNITED STATES DISTRICT JUDGE